

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:06CR3144
)	
Plaintiff)	MEMORANDUM
v.)	AND ORDER
)	
MATERIS VONERIC GRAY,)	
)	
Defendant.)	

Defendant has filed a notice of appeal ([filing 86](#))¹ but has not submitted the required appeal fee of \$455.00 or filed a motion to proceed in forma pauperis (IFP) on appeal. Defendant has not been determined to be financially unable to obtain an adequate defense in this criminal case, and therefore is not entitled to proceed IFP on appeal without express authorization.² Accordingly, in response to the clerk's memo ([filing 88](#)) requesting instructions with regard to processing the appeal,

IT IS ORDERED that:

- 1) Defendant, within 15 days from the date of this order, shall file with the clerk of the district court either the appeal fee of \$455.00 or, if appropriate, a motion to proceed in forma pauperis on appeal, with supporting affidavit as required by Fed. R. App. P. 24(a)(1); and

¹ On June 2, 2008, Defendant was notified by the clerk of the court that the notice of appeal is not signed, and he was given 15 days to correct this deficiency.

² Although the Federal Public Defender was appointed to represent Defendant in connection with his motion for reduction of sentence, that appointment was made pursuant to a general order of the court and was not based on Defendant's financial status. Defendant previously was represented by retained counsel.

- 2) If Defendant does not comply with the aforesaid filing requirement, the clerk shall send a copy of this memorandum and order to the Clerk of the United States Court of Appeals for the Eighth Circuit pursuant to Fed. R. App. P. 24(a)(4)(C).

June 3, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge